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Emancipation in Kentucky; Literature; Agriculture; Elevation

of Labor, Morally and Politically; Commercial Intelligence, &c. &c.

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the TRUE AMERICAN, in this and other States, will
render it a better advertising medium than any
paper in the city.

POETRY.

From the Weekly Tribune.
SATURDAY NIGHT THOUGHTS.
BY MRS. E. J. FAMES.
The six days' work is done,
The daily labors, the tough toils,
The close confinement, the tedious toils,
That hang around one's feet in creaking coils—
Their weekly course is run.

Sit thou in Sabbath peace;
Compose thy weary limbs in languor sweet;
Fold thy tired hands, and rest thy fatigued feet—
O, graciously this mortal frame will greet
From care a short release.

Wipe from thy dusty brow,
"Careful and troubled about many things;"
Unloose the cumbersome house-work robe which
clings
So closely that the struggling spirit-wings
Hang heavily and low.

Stand on thee, on the yet
The spirit of despondency is strong;
Still crowding cares unto thy feet below;
Still must thou strive with outward ill and wrong,
And many a vain regret.

O, hurried life of mine!
How "few and far between" thy dreaming hours!
How shouldst thou turn aside to gather flowers
From fairy-land, when on thy human bowers
The sun forgets to shine?

My yearning, yearning heart!
Is this income meant to be free
A happy or a mournful thought to thee?
For, O! it hath but little harmony
With earthly lot and part.

Yes, there is pain in this
Most passionate longing to "stretch the clay-
This exile-thirst which stronger grows each day
To take the morning-mists and dew away
To realms of purer bliss.

And yet, not all in vain!
Do not these cravings in the haunted breast
Whisper the soul, "O, this is not your rest;
A new existence, in a home more blest,
Is yours to gain?"

A home of such deep peace
As eye ne'er saw, nor hath it entered e'er
Man's heart to dream of that celestial sphere
Where God's own hand shall wipe away each tear
And bid all sorrow cease!

Then strive, O, still strive thou
To keep, amid life's weary, wearing din,
Polished and pure the immortal gem within—
So thou may'st have a perfect rest shall win
Untroubled below.

And now, O, ever-ready one,
With thy last waking thoughts give thanks to
Heaven
That to earth's toiling children He has given
A holy pause for thought—this seventh even
Fideth thy labors done.

Ask Him to lift thy heart
With all its human yearnings from the dust;
To strengthen thy weak soul, and fix its trust
Firmly on Him—and with the perfect just
Give thee thy better part!

ANTI-SLAVERY.

SLAVERY IN NEW JERSEY.

TRENTON, May 21, 1845.

[Reported for the Express.]

The Court being opened—present the
Chief Justice, and Justices Randolph, Car-
penter and Nevins. Mr. Bradley, counsel
for Post, the owner of the old slave, said he
was not ready. The Court then intimated
that they would hear the argument on the
demurrer, interposed in the apprentice case.
This case is as follows:—

In *Supreme Court of New Jersey*,
The State vs. Edward Van Beuren, et al.
This is a case of a writ of *Habeas Corpus*
issued on motion of C. B. Palmer, Esq., as
Attorney, and Alvan Stewart, Esq., as coun-
sel for Mary Tebut. The writ was granted
in open court. The object of the writ
is to compel Edward Van Beuren to bring
before the Court, Mary Tebut, and the
cause of her detention by the said Van Beu-
ren.

The said Van Beuren claims to hold the
said Mary, by virtue of the Slave Laws of
New Jersey, as his property, born of a ne-
gro woman, who is a slave, having been
born before 1804, and claims that he pur-
chased the said Mary of one, who bought
her of another, in fact that she had been
sold three or four times; that she is now
nineteen years of age, and said Van Beu-
ren claims her as his property until she
shall be twenty-one years of age. Mr.
Stewart contends that the new Constitution
of this State has abolished Slavery, and
with it Apprenticeship as its offspring;—
the whole system perishes in a common
grave, by virtue of that instrument.

This question involves the liberty of a-
bout 700 slaves, and from two to three
thousand apprentices now held as slaves;—
the males until 25, and the females until 21
years of age,—although the statute calls
them free, because born since 1804.

Alvan Stewart, Esq., for the demurrer,
rose and invoked the kind consideration of
the Court for the many rights, as it should be
the rights of property. He said that the
Courts of justice, in this country, have de-
voted most of their labors and learning to
the settlement of questions affecting the
rights of property. The controversies about
lands and estates, with all the subtle
ramifications of law logic, case hunting, li-
brary searching, for the opinions of a by-
gone generation of legal thinkers to prop
up or overthrow the passing propositions of
the age, comprise much of the legal effort
and all the legal learning of modern times.
Considering the mighty questions of human
liberty, which might grow out of the State
and national constitutions, and ten thousand
other views of human rights, it seems pos-
sible for all belief to be told that there is not one
volume of reports, arguments and decisions,
in behalf of the great inalienable rights of
man, invaded as they are, in every direc-
tion, overthrown and trodden under foot,
as they are, at every step of our march, as
a nation and a people. The direction of
mankind seems to have been directed to the
confusions, incidents, and appendages of
the race, rather than to the Man him-
self. Congress has manifested far more
anxiety to take care of the hats men wear
than of the heads within them; of the boots
than of the feet they enclose, and of the coats
than of the bodies they cover. That grave
assembly can dispute, from Christmas to
dog-days, about the Tariff, while petitions
for the abolition of Slavery in the District
of Columbia are suffered to go unheard.

Nothing has been held so cheap as humani-
ty, on the average. If every man had his
aliquot portion of the injustice done, in this
land, to human rights, the present free-
man would commit suicide in self-defense,
or else be impelled to go to the Pasha of
Egypt, by the way of Russia, for the pro-
tection of his personal liberty. Long ere
this we should have tested, in behalf of our
crushed and bleeding brother, every law
and constitution in this land, and elicited
every particle of justice and humanity
therefrom, and ascertained the depth and
breadth of the stream of American justice,
and how far our boasted 4th of July pro-
cessions fall in the rear of judicial mercy;
how vast the interminable space between
our abstractions and practicalities! Oh!
when shall we see that glorious day when
the lion and the lamb shall lie down to-
gether? That day, when the law, with its mer-
ciful power, shall be extended to all, when
none shall be found overriding its injunc-
tions, none out of the reach of its protec-
tion, defending all men, whether in the field
or in the city, on the highway or in the
closet, when its atmosphere shall be respir-
ed by the strong and the powerful, and the
lungs of the infant in the cradle shall swell
with its holy inhalation, when that law shall
defend all,—shall pay the wages due to the
individual laborer, vindicate the right of
man to himself, uphold the freedom of the
Indian, the negro, the mulatto, the Chinese,
and the Asiatic, making freedom for all,
justice for all, wages for all, education for
all, and religion for all. That time (he
could not but hope) under the new consti-
tution of New Jersey, in this State, at least,
was not far distant.

In order to show that the mercy of the con-
stitution, as he understood it, in repudiating
slavery, he would look a little into the ori-
gin and meaning of slavery, and see what
were the intentions of the law in relation
to it. The old world was full of slavery.—
After a struggle of 1200 years it was over-
thrown in Germany, and in all northern
countries, before the steady approach of
Christianity, which in counsels, and diets,
and convocations, and judiciaries had pro-
vided a match for it. The nations of the
earth repudiated; that name, slavery, was
extinct in Christendom. Then came the
discovery of America by Columbus.—
The red man of the Indies was laid hold of
and enslaved, but they ceased to exist un-
der the system until Las Casas expressed
the wish they might be released by the
name of a Scythian people, called the
Sclavians. The Romans called slaves *Ser-
vi*,—from *servare*,—to keep or save,—being
such as were not killed in battle, but saved
to yield money, either by sale or by their
work or service. A slave bred in the fam-
ily was called *Verna*. The Roman slave
being set free took the cognomen of his mas-
ter for his sir-name, retaining his slave-
name for his first, or what we denominate
christian name. Among those called slaves
were those called by the Romans *mercenari*,
or mercenaries—hired out; they were *li-
beri*, or freeborn citizens, but were com-
pelled by poverty to hire out to the rich.
The Greeks called these persons *Thes*.—*vid.*
Homer's *Odyssey*. Another class, called
"prodigals," among the ancients,—
having lost their liberty by their impru-
dence, and were detained by their creditors
till the fruit of their labor was equivalent to
the amount of their debt. Such delinquents
were sentenced by the Romans to the oar.
Emancipated, among the Germans, men-
tioned by Tacitus, were those addicted to gam-
ing, who, after staking all their property,
staked their own persons, and losing, went
into voluntary servitude, and, though youn-
ger and stronger than the person to whom
they had sold, patiently suffered themselves
to be bound and sold. [This was the old
way of paying off a "debt of honor!"]
Slaves, thus obtained, were forthwith sold,
to get rid of the scandal of such a gambling
victory. Such are the two kinds of Slavery;
voluntary and involuntary. The latter
gives the victim no choice, but degrades
the man at once into the brute. We had
slaves before the discovery. Some think
that Nimrod was the first slaveholder,
as being a warrior and hunter, and so took
captive in war, and reduced them to bond-
age. Pope says,

"Proud Nimrod first the bloody chase began,
A mighty hunter! And his prey was man!"
And much other curious and antique
learning on the subject of voluntary and
involuntary servitude, illustrative of the
customs and usages of Greece and Rome to-
wards slaves, was cited and dwelt upon by
the learned counsel. He then referred to
Howell's state trials, 20 vol. p. 1, being the
case of *Somers*, 1774, which was argued
twice. Mr. Stewart reviewed the whole
cause, showing the entire world of the
nature and character of villenage or
involuntary servitude. It was deemed
therein that much servitude weakened the
States. He adverted, in this connection,
to the fact that South Carolina, when La-
fayette arrived there, could not furnish her
quota of soldiers, in the revolutionary war,
the people being obliged to stay at home, to
protect their own State against their slaves.
He attributed the loss of Washington, in
the last war, to the same cause. He quoted
Locke, in proof that no man can enslave
himself; if a man commits a crime, it cannot
extend to his issue as it would do, if
man had this right. And he went on to re-
view the merciful interpositions of the En-
glish judiciary for nine generations—a pe-
riod of 500 years—in regard to this ques-
tion of the national rights of man. He
gave a description of the relations of vil-
lains regardant and villains in gross, or be-
longing to a villa, or house of his master.
The maxim then prevailed not, he would
remark, "*partus sequitur ventrem*,"—the
slave or vellein fostered the condition, not
of the mother, but of the father. This was
merciful compared to the maxim of modern
times, regarding slavery, which makes the
condition of the mother that of the child to
all generations.

In order to show the intentions of the
English judiciary to be in favor of liberty,
Mr. Stewart continued to cite Hargrave, in
the *Somers* case, and to insist that in like
manner it should be so in New Jersey, un-
der the new constitution. The existence of
a doubt should be in favor of the slave
or apprentice. And the same points were
enforced by citizens from other authorities.
Villenage must begin with memory. If
the child of villenage was born of the master,
he was free. A bastard, born of a villenage,
was free. Baptism freed the villenage. The
writ of *hominium replegiandum* was always
sued out in such a case, and was always
successful. Even a monster, bought in
Asia, and shown as an exhibition through-
out England, having some form of man,
was freed under that merit. He went on to say:

Slavery is so abhorrent to all justice,
mercy, and humanity, that all the inter-
ments of law and justice are opposed to it,
so that the legal writers of slave countries
all admit that it can only exist by force of
positive statute law. The *lex scripta* must be
its foundation, and the source of all power,
which one man exercises over another
in making a fellow being his chattel, his
slave. All the slavery which sprang up in
these colonies had, as a general rule, noth-
ing but the custom of a few barbarous plan-
ters as its origin; which custom was not
within the memory, and ran not back
that unsurveyed point of antiquity, trans-
cending all human memory, where its
source was hidden in the night of by-gone
ages. Not that common law, which was
supposed to be handed down from genera-
tion to generation, in the libraries of the
judges and the lawyers, as copies of obse-
lete, and worn out, and extinct statutes. As
the soul survives the body, so supposed
these customs, or common law, to be the
spirits of departed statutes, the very tomb-
stones and graves of which can be no longer
found in the land. "*Cineres feruntur*,"
but then their imperishable souls remain
still to guide and direct our frailty on the
doubtful journey of life! But slavery is
within "the memory of man," with all its
monstrous brood of crimes; and wherever
you find a well founded doubt as regards its
authority, to exist, as an institution, humani-
ty is entitled to the benefit of that doubt,
and the oppressed should assuredly go free.
As between strength and weakness, power
and imbecility, if a strong doubt arise in the
mind of the court, the mercy of the law im-
pels it to decide in favor of the weak and
imbecile, and of those who are ready to
perish," so that it seems that every inter-
ment is in favor of natural rights, until the
contrary be made expressly to appear. If
the new Constitution of New Jersey had
seriously drawn into question the com-
plicated villainies of this institution, this court,
I believe, would have been compelled by
the spirit of our laws, and as faithful ex-
pounders thereof, to say that the grave
doubt itself would be the emancipation of
the enslaved. But the court is not com-
pelled to look to such a cloudy and unsatis-
factory source as that, in the case of New
Jersey slavery; for its constitution in the
first section, asserts the great principles of
the Declaration of Independence, that all
men are, by nature, free; that they have
certain inalienable rights, among which are
liberty, and the pursuit of happiness. For
these great man-rights there can be no
seller, no buyer; they are inalienable; for
if a man could sell his body to another for
the gold mines of the globe, and convert
himself into the chattel of the buyer, he
would become as much a man as ever lived
in the universe of God by the operation, if
the law of slavery was applied to him; for
all that the slave hath, and all that he may
acquire, becomes the property of the mas-
ter, and so the condition of the sale being
necessarily void, so is the sale, and the
whole operation is thus demonstrated a
moral impossibility. And thus it is that
these elementary or natural rights are just-
ly said to be inalienable. And so are they,
upon yet another ground. They are
a trust confided to each man by his Maker,
for which he is held responsible, and he
see he makes of them. That he may be so
accountable, he must be left a free agent.

Adverting again to the case of *Somers*,
he quoted Lord Mansfield's reply to Dun-
ning's argument, that if *Somers* was set
free, the 1400 negroes held in Slavery in
the West Indies must be set free, of course;
said Lord M., "I cannot undertake to direct
when and where the last shall operate: it is
not for the Court to determine that matter;
the law does it by itself." This case was
argued twice, as appears in the books; and
it was done, in fact, once more besides.—
The first time it was decided that Slavery
did exist, by the laws of England. Gran-
ville Sharp brought it up a second time;
argument was heard again, though the Court
decided as before. The argument was,
however, heard patiently; and he heard
a third time, by the Court, and the law was
set free. No plea of *res adjudicata* was in-
terposed, the world was full of slavery at
the time,—all the dependencies of England
were rife with it abroad;—villenage was
unrepented, the Common Law recognised it
against human rights, and in face of all
that, that noble judiciary seized hold of that
great truth, and so treated it that their
names are handed down with a peculiar
glory to posterity, as having declared that
whoso touched the cliffs and shores of Eng-
land was, *ipso facto*, free. The intend-
ments in all these cases were in favor of
liberty; this was the very form of the de-
cision, in cases of the sort,—and this in
favor of liberty," says the reporter in the
Common case, and others. Mr. Stewart's
eloquence on the English law in this respect
was full of fervent eloquence. He came
then to the history of slavery in this coun-
try, and to legislation at different times in
relation to it. He quoted the 10th article
of the Treaty of Ghent, as follows:

"Whereas the traffic in slaves is irreconcilable
with the principles of humanity and justice, and
whereas, both his Majesty and the United States
are desirous of contributing their efforts to promote its
entire abolition; it is hereby agreed that both the
contracting parties shall use their best endeavors
to accomplish so desirable an object."
Signed, 24th December, 1814.

GABRIEL,
HENRY GOLDENROD,
JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JOHN RUSSELL,
ALBERT GALLATIN.

"Done in triplicate."
This treaty is a solemn covenant between
the two countries. England has done her
part in this covenant, and is still holding
on her course in that direction. They ab-
olished slavery in the British West Indies,
and then apprenticeship, and Mr. Stewart
reviewed the progress of these operations,
and others, to the same effect,—always in
favor of personal liberty. In the same
year, slavery was struck down at the Cape
of Good Hope, and, under this very treaty,
the British Government caused the East In-
dia Company to abolish the servitude of the

the *Somers* case, and to insist that in like
manner it should be so in New Jersey, un-
der the new constitution. The existence of
a doubt should be in favor of the slave
or apprentice. And the same points were
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found in the land. "*Cineres feruntur*,"
but then their imperishable souls remain
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doubtful journey of life! But slavery is
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monstrous brood of crimes; and wherever
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ty is entitled to the benefit of that doubt,
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pels it to decide in favor of the weak and
imbecile, and of those who are ready to
perish," so that it seems that every inter-
ment is in favor of natural rights, until the
contrary be made expressly to appear. If
the new Constitution of New Jersey had
seriously drawn into question the com-
plicated villainies of this institution, this court,
I believe, would have been compelled by
the spirit of our laws, and as faithful ex-
pounders thereof, to say that the grave
doubt itself would be the emancipation of
the enslaved. But the court is not com-
pelled to look to such a cloudy and unsatis-
factory source as that, in the case of New
Jersey slavery; for its constitution in the
first section, asserts the great principles of
the Declaration of Independence, that all
men are, by nature, free; that they have
certain inalienable rights, among which are
liberty, and the pursuit of happiness. For
these great man-rights there can be no
seller, no buyer; they are inalienable; for
if a man could sell his body to another for
the gold mines of the globe, and convert
himself into the chattel of the buyer, he
would become as much a man as ever lived
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ter, and so the condition of the sale being
necessarily void, so is the sale, and the
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moral impossibility. And thus it is that
these elementary or natural rights are just-
ly said to be inalienable. And so are they,
upon yet another ground. They are
a trust confided to each man by his Maker,
for which he is held responsible, and he
see he makes of them. That he may be so
accountable, he must be left a free agent.

At this point, Mr. Stewart gave way, the
hour for dinner having arrived,—and will
resume his argument, at about 3 o'clock,
this afternoon.

AFTERNOON SESSION OF THE COURT.—Pres-
ent, as before.

Mr. Stewart proceeded with his argu-
ment in support of the demurrer. He took
up the new constitution of New Jersey, and
the bill of rights contained in it,—comparing
it, in this particular, with that of Mas-
sachusetts, which, for the purposes of this
argument, he treated as identical in senti-
ment. Both abolish slavery. Both say,
that without "due process of law," no per-
son shall be deprived of life, property, li-
berty, &c. Legislation is not "process of
law." He dwelt on the word "persons,"
in the United States constitution, and denied
that it meant slaves; slaves are chattels,
like pigs, oxen and swine; breathing prop-
erty; from *cattella*, in the old law latin,
and so the civil law regards them; some-
times they are called, sometimes chattels per-
sonal; but always they are chattels. Slavery
is guaranteed by the constitution of New
Jersey. [The Chief Justice assented to this
proposition.] No slave in New Jersey, nor
apprentice either, can be produced who can
show any mark of adjudication by which he
became such by "due process of law;" and
thus, under the constitution of New Jersey,
such slave or apprentice would be entitled to
his liberty, as a matter of right. So far as
the decisions of Massachusetts are authority,
the same words in its constitution abolished
slavery. [4 Tyng, Mass. Ch. Jus. Parsons.]
[Pickering, Mass. 13 also.] Quotes Man-
sfield, (again) where he said the Court could
not presume to direct where or how the law
should operate, and this is a reply to the
argument that certain consequences would
follow from the application of this case.

Showing that other judgments of New
Jersey are contravened by the existence of
apprenticeship, which brings this case un-
der the same principle as the English one
cited. Lord Mansfield says slavery can
only exist by positive law. Under this con-
stitution, could New Jersey pass such a law?
If that be true, then comes another section
in this constitution, which abrogates all
laws repugnant thereto. There is but one
view to take of this question; it is unan-
swerable. Is slavery "repugnant" to lib-
erty? What a proposition to ask! It seems
almost like judicial trifling, to make those
two terms synonymous. Is there any clause
in this constitution to save this beautiful,
lovely and holy institution? Ought not
New Jersey to thank Heaven for its day of
deliverance from it, instead of hanging on
to the old, miserable, rickety system?
(Cites Chief Justice Marshall, in the "Ante-
lope" case.) Slavery is repugnant to the
law of nature; every man has a right to the
fruits of his labor. This law of nature has
been adopted in New Jersey, by the adop-
tion of the constitution; and slavery, decid-
ed to be opposed to the law of nature by
Judge Marshall, (if that authority is admit-
ted,) must go by the board. (Quotes
Chief Justice Shaw, of Massachusetts, to
the same effect, very minutely.) The civil law
also expressly and explicitly characterizes
and defines slavery to be *contra naturam*.
Mr. Stewart then came to the question, is
the colored man a human being? He al-
luded to the cases of two slaves in the city
of New York, who could furnish examples
of the affirmative of this question; and al-
luded to the cruelty of treating that race as
we have treated them, and then abusing
them as being the connecting link between
men and monkeys. He recited the different
ways in which the prejudice of the whites
is shown towards the blacks. He contended
that they were men—such men as this con-
stitution contemplates. And if this be so,
then, said Mr. Stewart, the argument seems
to me to be perfectly unanswerable in favor
of his emancipation. The statement of the
proposition that the colored people of this
State, held in bondage, are men, women

and children, is above all demonstration,
outstrips all logical deductions, and appeals
to our every perception for its truth, which
can gain nothing from analogy, and borrow
nothing from illustration. Antiquity and
yesterday utter the same response, and every
degree of latitude and longitude render the
same verdict, whether at Trenton or at
Timbuktoo. Whether in mind or in body,
for time or for eternity, they are men and
women, creatures of hope, their eyes gaz-
ing upon the brightness of the ancient heav-
ens; their frames retaining the uncreated
lineaments of the grandeur of their descent,
—the illustriousness of their origin—and
showing that God is their Father—that life,
liberty, and the pursuit of happiness are
His gifts to them as to those of a different
complexion; that such is their rightful por-
tion in this world—with a power and a
privilege to ascend in the scale of knowl-
edge and happiness, and love, until they
reach, by the merits of Jesus Christ, the
blessed world to come.

And Mr. Stewart went on to enquire,—
does the Constitution of New Jersey pre-
scribe any rule of action inconsistent with
the nature of a good constitution? This
(said he) leads us directly to the inquiry,
what is a Constitution,—what is its nature,
and what its object? It may be premised that,
technically speaking, a Constitution for the
United States would be an act of emancipa-
tion; of every thing like tyranny or op-
pression; it should be the longest step ever
taken in the advancing civilization of man-
kind; that is, supposing a Constitution to be
a covenant of the whole people, for the
defense and protection of the natural rights
of man,—such as life, liberty, and pursuit
of happiness. England tells of her Con-
stitution; but when examined by our theo-
retical notions of a State or National Consti-
tution, it seems to bear but a faint resem-
blance to such an instrument. What is
meant by the Constitution of England
seems to be made up of the extortions of
acknowledgments of certain rights as ex-
isting in the mass of the people, from the
hands of different sovereigns, descendants
of William the Conqueror, with certain
cardinal changes, as during the Protectorate
of Cromwell, or the Revolution of 1688.
These, and the legislation in the three
estates of King, Lords and Commons, com-
posing the Imperial Parliament, from year
to year, and century to century, all joined
together, make up what an intelligent En-
glishman means by the Constitution of the
British Empire. When the sturdy barons
of 1215 met, with sword in hand, their
affrighted and feeble monarch John, at Run-
nymede, and demanded that he should sign
Magna Charta, or die, no one will say,
however important the charter of rights
might have been, there was the faintest
resemblance in it to one of our American
Constitutions, when the mode or manner of
collecting the sense of the Governors or
governed in the adoption of such an in-
strument is taken into consideration.

France, during her great revolutionary
struggles from 1789 to the three days of
the Barricades, in 1830, being the final
termination of her organic and elementary
attempts to agree in what form power should
be exercised, or protection secured, attempt-
ed an imitation of our American examples,
by submitting their different Constitutions
to the people for adoption or rejection.—
But look at the German States, Prussia,
Russia, Austria, Italy, and wretched Spain,
each looking to the prerogatives of the
crown for that security of life and liberty
which should have constituted the primitive
layer of human rights, expressed and adopt-
ed by the People, for their own safety and
happiness. Look too, at the charters sent
over to this country by the Kings and
Queens of England, to govern us, when we
were colonies. Sometimes they were in
the form of a property; at others, of a
company, and at others, of a royal grant to
certain persons, authorizing them to elect
members, representatives, or burgesses, to
meet in assembly and legislate. Yet no
one in the early portions of these times of
royal charters and kingly grants of rights,
seemed to question their propriety, or so
much as dream of their glaring absurdity.

To return to our more immediate subject
of consideration; what, then, is a Consti-
tution? It is an instrument made for the
surer protection, and better defence of the
natural rights of men, consisting of life,
liberty, property, and the pursuit of hap-
piness. It is a covenant of the whole peo-
ple with each person, and of each person
with the whole people, to protect and defend
these natural rights for each person.—
Many have been deluded by the preroga-
tives of monarchy to suppose that men de-
rive their rights of life, and those other
privileges from the fundamental Consti-
tutions of a country, and look to them with
awe and reverence as the sources of such
But it is direct from the Almighty, as His
free gift, that we claim to receive these
unalienable rights: rights to do all and
everything, not forbidden by His express
commands, and not injurious to a fellow
being. Now these God-given rights are
called by elementary writers, man's natural
rights, while, however empty handed a
mortal may enter this world, he or she
brings into it, the evidence of title thereto
being written out on the human countenance,
made visible in the divinity of the human
form, made, as it is, in the image of his
Maker. To be sure, a feeble copy of that
celestial original, but still that is a copy is
the unimpeachable word of Heaven, pro-
viding the blessings of liberty as our por-
tion. Let us see how it reads:

"We, the people of the United States, in or-
der to form a more perfect Union, establish justice,
secure domestic tranquility, provide for the com-
mon defence, promote the general welfare, and
secure the blessings of liberty to our posterity,
do ordain this Constitution for the United
States of America."

Congress held its session in 1786, at
Annapolis, Maryland; the requisition made
on the States for their quota of revenue
was often disobeyed, as under the old con-
federation Congress had no power to act
upon the States, save by recommendation
and moral suasion, and could adopt no
stringent or compulsory measures to exact
obedience.

Mr. Stewart then dwelt at some length
further upon the intentions of all law in
favor of liberty, and he contended that the
statute of 1820 is extinct,—with the system,
or institution, which is extinguished by this
new Constitution, and it is not, therefore,
any further practical effect or use.—
This he enforced and illustrated in various
ways, very forcibly. He said, the Court,
in this case, are compelled, from the ampli-
tude of their powers and the breadth of
their commission to determine, under the
new Constitution, whether slavery is an insti-
tution of the nightshade, or a most formi-
dable adversary to those great natural
rights of men inherited from the great
Father of all created beings?

of forfeiture, in the cases of high crimes
and misdemeanors against society. To
suppose a Constitution made and adopted by
a community by which a sixth or tenth
of the consent, instead of deriving any
benefit from the instrument, to be forever
stripped and bereaved of their natural
rights, and be forever left, not only without
protection, but, also, be deprived, from
generation to generation, of all capacity to
have natural rights,—the forlorn victims of
avarice, lust, cruelty and contempt,—po-
verty, in its most abject form,—without the
power of asserting the strength Heaven
has given them to protect their most valu-
able national rights,—is certainly one of the
greatest solecisms ever expressed:—an in-
comprehensible, yea, sublime absurdity,—
and the greatest insult ever offered to
human nature. And such, some men pre-
tend, is the Constitution of the United
States! The idea, that a fence around the
field of corn supposed, was made expressly
to destroy one sixth part of the products of
that field, were not more absurd, than to
suppose a Constitution to have been made to
destroy the natural and God inherited
rights of one sixth part of that very peo-
ple, for whom the instrument was formed.
I deny the existence of any power in the
Constitution of the United States, to denude
or strip one innocent human being of the
rights I have enumerated. It could no
more do it than it could enslave an arch-
angel, or make a king! The idea, often
thrown out, that the secret intentions of the
framers of the Constitution must be sought
for in contemporary commentaries—in the
Madison papers, for example,—for the pur-
pose of contradicting the very lexiconogra-
phers of the English language, as to the
meaning of words,—and the well known
usages of legal language, too, as defined
for a thousand years by an unbroken stream
of legal adjudications running back to the
earliest epoch of English civilization, is
preposterous beyond comparison. Suppose
the framers were ashamed of their own
wicked and secret intentions, and employed
the language of justice, mercy and humani-
ty, having all the time, however, a myste-
rious, inhuman and cruel meaning, destruc-
tive of human liberty, justice and religion,
but dare not employ the

THE TRUE AMERICAN

"GOD AND LIBERTY."
LEXINGTON, TUESDAY, JUNE 24.

THE CONSTITUTIONAL QUESTION.

We publish to-day the two numbers signed "Madison," first published in the Observer & Reporter, and afterwards republished in the Frankfort Commonwealth of February 25th, 1845. The pertinacity with which the author forces these essays upon our notice, either proves that he courts the honor of a reply, or that he vainly imagines that his arguments are conclusive against the positions of the speech which he reviews. "Madison," it will be seen, though apparently courteous, (as a lawyer can never brook that sandaled feet should enter upon ground hallowed by the priests of the green bag, "the perfection of human reason," which was and is from overlasting, and from the time whereof the memory of man runneth not to the contrary—that is from the time of Richard the first,) gently chastises our presumption in entering upon a subject of so "much delicacy" which the wisest and ablest statesmen the nation can boast—"Madison" even "approach with timidity." Well, to tell the truth, that is the very reason why we have approached it: we enter upon the constitutional question of slavery because it is full of hoary error and sanctified fraud. We enter the sanctuary of American Liberty, sword in hand, determined to expel, if possible, the wearers of the blood stained ermine, who have prostituted its holy places to the sustaining and perpetuating slavery among men.

We shall, without following "Madison" through his long evolution of *trite facts* and distorted construction, restate our ideas of the power of the National Government over slavery; and sustain them by such arguments as history, the constitution, and common sense, may present us.

1. "I contend, then, that the original thirteen states had, and now have exclusive control over slavery within their borders. 2. That in all places where Congress had, or now has exclusive control, where slavery did not previously exist by the sovereign power of the thirteen states—there slavery does not and cannot exist. 3. That in no Territory in this wide empire is there now a slave; that the Supreme Court, under a writ of *habeas corpus*, is bound to liberate any person so claimed as a slave." Here then are our three propositions, word for word as quoted by "Madison;" upon these we will stand or fall.

The proposition in clause No. 1, is not a matter of controversy between us and the slaveholders, whom "Madison" represents; in that we all agree. The thirteen original states were, at one time, dependent on the British crown, and on that only, having a separate and distinct organization with regard to each other. When by the successful maintenance of the Declaration of 1776, and by the assent of the British nation they became independent, they stood by the laws of nations, equal sovereigns with the other nations of the globe. African slavery existed in all the states at the time of the formation of the constitution, except a few who had abolished slavery since the Declaration of American Independence. No nation on earth had any right to interfere with the internal laws of these sovereigns; for Vattel says "nations" are "free and independent of each other, in the same manner as men are naturally free and independent." "From this liberty and independence it follows that every nation is to judge of what its conscience demands."—"In all cases then, where a nation has the liberty of judging what its duty requires, another cannot oblige it to act in such or such a manner." "For the attempting this would be doing an injury to the Liberty of Nations."—Vattel Pre. p. iii: London edition, 1773. Here then, before the formation of the Union, without controversy, no state had a right to interfere with any other state. Whether slavery be in accordance with natural law or revealed Divine law, it matters not, the ultra-abolitionist of the north is forbid to interfere; just as the United States denying the natural and Divine right of man to more than one wife, is forbid by the law of nations from interfering with the Turk who claims by the internal laws of his own Ottoman Empire the right to two or more wives. When the Union was formed, the states lost none of their power over slavery, except what was yielded up, and as none was yielded up, none was lost. For the National Union is a government of special delegated powers, and it declares that "the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."—Art. 10, a. The first proposition is tenable then, beyond the power of cavil.

2d. "That in all places where Congress had, or now has exclusive control, where slavery did not previously exist by the sovereign power of the thirteen states—there slavery does not and cannot exist."—Remark, now, that we are arguing this question as jurists, not as statesmen. With jurists the question is, not what is expedient or best, or what will be the consequences, but what is the law? Now, as a statesman, with regard to the district of Columbia, a place where Congress has exclusive jurisdiction, we would vote as a member of Congress to liberate the slave and pay the master a fair equivalent; because the whole nation has sanctioned the error, and the whole nation should bear the loss. Such was the opinion of the British nation with regard to West India slavery; although no doubt every slave in the British dominions under *habeas corpus*, might have been liberated by the same considerations in respect to the constitution, which declares all men in England free. But sitting as a judge of the United States, being restricted to the bare question what is the law, we should declare every slave in the District of Columbia free. If Madison had put the word "government" in the place of "legislature" in the following sentence, it would have been true, as it is, *it is false*. "The

rights of property and the rights of persons, included within their boundaries are under the absolute dominion of one national Legislature." We can scarcely restrain expressions of infinite contempt for such a declaration. In the simplicity of our heart, we had supposed that this was a "constitutional" government, and that the Legislature was not "absolute." "The rights of persons" not living, in places of the "exclusive control" of Congress, are to be ascertained, not by the will of an "absolute legislature," but by the constitution; to that then let us look. Now the preamble of that instrument has it, that the government was formed to establish justice, and to secure the blessings of liberty to ourselves and our posterity." By this clause, then, without a more latitudinarian construction than that which in England and in Massachusetts liberated the African, there cannot be a slave in the District of Columbia. Paley declares that "Natural rights, are a man's right to his life, limbs, and liberty; his right to the produce of his personal labor, to the use, in common with others, of air, light, water."—Paley's Works, Chap. 10, p. 42, Philadelphia edition, 1831.

"Natural liberty consists properly in a power of acting as one thinks just, without any restraint or control; unless by the law of nature; being a right inherent in us by birth, and one of the gifts of God to man at his creation, when he endowed him with the faculty of free will."—Chitty's Blackstone, p. 89, N. Y. edition, 1842.

The declaration of American independence says: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness." Now these various high authorities all agree, that it is right and "just" that no man shall be enslaved without crime—and of course if the preamble of the United States constitution be enforced, slavery in the District falls. But it seems that our fathers did not intend to rest our liberties on such vague foundations: they bring the slaveholder up to the bar of the letter as well as of the spirit of the instrument. "No person shall be deprived of life, liberty, or property, without due process of law."—Art. 5, a. Here is the omnipotent law of the District, from which there is no appeal. If James K. Polk holds us in slavery in the District, we ask for a writ of *habeas corpus*, which brings us before Judge Taney—we plead that we are a "person" guilty of no crime, not that we are white or black or of Yankee or Virginia descent. Mr. Polk. "The defendant is a slave by the laws of Maryland and Virginia." Mr. Taney. "They became extinct by the deed of cession—this instrument is the supreme law of the land here, it asks you only what crime this man has done." Mr. Polk. "None." Mr. Taney. "The defendant is free." Mr. Polk. "The deed of cession guaranteed slavery by the assent of the legal organs of the Union—good faith requires that you restore me my slave." Mr. Taney. "An act done by a single individual, or by the combined authority of the whole Union, contrary to the Constitution is void; let the defendant go." Mr. Polk. "Well, I acknowledge the justice of your decision, but this defendant does not come under the law: he is a 'thing' not a 'person,' he is my 'slave,' and that you know makes one thing by the slave code, everywhere." Mr. Taney, looking intently at the defendant, and then turning over to art. 5, a. sec. 2 and 3. "He has every semblance of a man, but perhaps is only a beast having by long disuse lost his tail, though descended of the monkey tribe; yet here I find the only slaves known to this constitution, called 'persons.' The thing then being a 'person,' no matter whether white, red, or black, 'for all of those colors in the South are slaves, and as Upland has it, and common sense agrees, 'words are not to be used without meaning'—the language can mean nothing else—and 'we are not to use the same word in the same discourse with different meanings'—[Up. Phil. p. 194, Portland edition, 1828] the 'slave,' the 'thing,' the 'person,' must go free." If this be not good law, and right reason, we are a slave, and "Madison" may come in any place of exclusive national jurisdiction, and take possession of us and ours, and there is no power in the American Constitution, or the Union of these States to save us! The word "HAD" in this second clause, we admit had reference to the new States, formed out of what was once territory, never having been a part of the land over which the original thirteen had extended slavery. Up to the time, then, when the independence of those States was acknowledged, by the formal act of admission into the Union, whilst the power of the National government was over them as territories, notwithstanding the treaties of cession from Spain and France, every slave therein was free. That these "persons" having been at one definite period free, could not be barred the right of *habeas corpus*, and restoration to liberty, on the ground that the territory had become a "sovereign State," the case lately decided by Judge McLean fully sustains. A slave was carried by his master to Illinois; but the master finding that this act made him free removed to Missouri; subsequently the slave escaped to Illinois; a certain citizen assisted the slave to elude the pursuit of the master, who had come upon him in Illinois; the master brought an action against the citizen of Illinois; Judge McLean decided that the slave was free, by the act of the master carrying the slave to Illinois—once free, always free—and that an action for damages could not be sustained. We leave it to jurists today if we have not sustained our second proposition. Yet, as we said at the Tremont Temple, in Boston, we are willing for one, as a mere citizen, that the new States, having become "sovereign," by admission into the Union, should be left to the entire and undisturbed responsibility of holding slaves in their own limits. Whether these "persons" held as slaves will be returned into slavery again under the constitutional requisition, after having escaped from the place of municipal jurisdiction, is

a question which we imagine, as it cannot endanger the peace or safety of those States, will be decided after the same manner as Judge McLean's late judgement. So much with regard to the present slave States—as to Texas, we, in common with a great portion of the American people, give them warning in time, that if she comes in as a territory, her slaves are free, if she comes in as a sovereign, it is contrary to the United States constitution—there is no law in the Union requiring her slaves escaping from "service" to be returned into bondage—and we will put her out whenever we have the power.

Proposition 3d, is but another specification of proposition 2d, and is maintained by the same reasoning, which need not be repeated, for it is hardly worth while to contend among men capable of appreciating a legal argument, that if Congress cannot make slaves in the District by immediate legislation, she cannot make them indirectly, by allowing her agent a territorial legislature, or a convention of her subjects, in remote places, to make them. As has been justly and forcibly said, Congress can no more make a slave than she can a King. It will be perceived by the reader that the whole of "Madison's" second number, is based upon a misconception of our argument: we have never, any where, contended that the 5th article of A, had a force penetrating beyond the exclusive jurisdiction of the Union; to the rescue of citizens or persons of the states *legally* held in duress; and if the slaves were free in the states formed by the addition of foreign territory, it was because of the action of the constitution, before the sovereignty of the states by admission into the Union was acknowledged. And once a freeman, always a freeman, is an admitted principle of law; and in accordance with natural justice and the spirit of the age. I will only strengthen my position by one quotation from Alexander Hamilton, and leave the matter to the serious consideration of those clothed with the judicial power of this Republic. "For why declare that things shall not be done, which there is no power to do? The truth is, after all the declamation we have heard, that the constitution is itself, in every rational sense, and to every useful purpose, a bill of rights."—Fed. p. 402 and 3. Such was the language of Hamilton before the 5th art. of A. was made; but our fathers to put the thing beyond the power of cavil, afterwards spread it out in broad and eternal characters—curse the sacrilegious hand that would destroy or pervert this the sole palladium of the liberty of the whole American people and the friendless wanderers of the world.

Whilst we are upon this subject, we will give our opinion upon the remaining bearings of the constitution upon slavery, which are not brought by "Madison" into the field of discussion. There are only three clauses bearing upon slavery: the one allowing, after 1808, the prohibition of the slave trade; the second touching slave representation; and the third concerning the return of fugitive slaves. Now, we have heard a great deal of silly talk about 'compromises' as if slavery was sacred; whilst the truth is, there are but two inexorable 'compromises' or binding agreements in the whole constitution.

The one is, that each State shall forever have equal representation in the Senate; the other is, that the constitution shall not be changed, except in the manner prescribed in the instrument itself. Every clause in that constitution was a subject of "compromise, in one sense, and in one sense only. That is, each member of the convention did not get all he wanted; and had to submit to some things that he did not want. Such was the substance of Franklin's speech in convention. But with the two exceptions, above named, every clause in the constitution stands upon equal ground, subject to the judgment and deliberate will of subsequent generations. So far from slavery being intended to be held more sacred than any other rights, we have by its voluminous testimony, of the most prominent men of the North and South, looking forward to the day of universal emancipation. When as the word slave was not mentioned in that immortal instrument, so in this wide spread nation there should not be a single soul who could not claim the Declaration of American Independence as his—and the American Union as the Palladium of freedom and equal rights. Our fathers saw that liberty and slavery could not co-exist—they believed and hoped that slavery would perish—they were mistaken: slavery now triumphs over even those liberties, which we inherited under the British yoke; taxation and representation are yet unequal, and the liberty of speech and the press, *habeas corpus*, and trial by jury are lost. The blood of '76 was shed in vain; the Americans are the slaves of slavery.

A great many applications having been made for the 1st No. of this paper, by those who have since subscribed, we deem it necessary to state that the entire edition of that No. was exhausted immediately after its publication.

"TURNING LOOSE."

"What," says the slaveholder, "shall the blacks be turned loose among us?" Permit me to ask in the most child-like simplicity, if they are not loose already? Men talk as if all the slaves were chained to a block, and some mad hand was about to sever the links, and let them go, like wild beasts to ravage the land! Now all this hubbub is founded upon the false idea that the aggregate power of the community is less than that of an individual slaveholder, which is absurd. By liberation we do not withdraw the force of legal restraint, but enlarge it; because we bring a high moral power to sustain the civil arm in the execution of justice. The whole population of Kentucky, we take to be, now, 840,000; Blacks 130,000; for since the last census of '40, the Whites must have increased, whilst the Blacks, perhaps, have remained about stationary, owing to the southern trade; that is 660,000 Whites, to 130,000 Blacks; an excess of Whites over Blacks, which will insure the Whites absolute power of control, forever, over the Blacks, in case

of liberation: more especially, as statistics of the North and South show, that, upon the same basis, the Black increases faster in slavery, than in a state of freedom, among whites, when all the stimulants of acquiring position in society, and rising to eminence, are withdrawn. To say then that turning them loose, would endanger the peace of society, is absolutely contrary to all experience, as proven in the West Indies, and in the Northern States; and contrary to every law of the human mind; for it involves the gross absurdity, that a man would revenge a favor, or love his enemies, not as well as, but better than his friends! We are not for turning any man loose, Black or White; but in the case of liberation, we repeat, we would not only have the same civil power over the Blacks, which we now have, but the superadded power of the combined moral power of the master and the slave! The master strengthened in his position, by a sense of being based upon justice, and the freedman constrained to quiet subjection to the laws, by every grateful affluence of the heart. But if we do not turn them loose, they will go on increasing, till they get in a majority; when, at last, they will turn themselves loose, for every law of nature, in time, vindicates itself. Man never has, and never will hold his fellow-man in perpetual slavery. South Carolina, has gone on with the "let alone" system, and it will "right itself" policy, till she is on the very edge of utter ruin. A single citizen, from the State of Massachusetts, where Bunker Hill lifts its eternal granite brow to the eyes of Equal Freeman, throws the whole State into a consternation, greater, than if an hundred thousand mail-clad men, with fire and sword, had landed on the shores of a just people. In spite of all the silly vapouring of this unhappy State, we are full of pity when we look upon such a "sorry sight."

They are now set about giving the slaves "moral and religious culture," most tame and impotent conclusion; the only remedy is to slay them—remove them—or make them free. Kentuckians, you know the right, you feel the wrong: in South Carolina you see the end.

A SMALL BUSINESS.—Garrett Davis and Robert Wickliffe seem to be contending which is the most ready to yield up the right of petition, one of the necessary rights of a free people, and which is solemnly guaranteed to us by the Constitution, won by the blood of Revolutionary sires. It is enough to make the heart sick to see the once proud bird of Jove, the American Eagle, covering in the very dust, beneath the cold, dark and slimy folds of slavery; this serpent, which now rears its defiant head over eighteen millions of men! Mr. Davis is said to be a proud and honorable man—if so, the Gods have punished us awfully for our crimes—when, whatever, is noble, generous and brave, must prostitute itself to base uses, utterly abhorrent to all that is demanded by the eternal laws of God and nature.

E. NEEDHAM.—The pro-slavery clique of Louisville seem wonderfully indignant at the remarks of Mr. E. Needham, in the Cincinnati Liberty Convention. They seem more sensitive to words, than to facts. The only question to be asked, in this case, is, did Needham tell the truth; if the crimes which he spoke he true, every voter in the State of Kentucky is responsible for their perpetration. It is time that this solemn fact should cease—the truth is, no language can misrepresent slavery. "Mad" Needham, indeed! that is a double game. The slaveholders and their sympathizers, will find that the free white laborers of this land, composing four-fifths of the population, at the latest estimate, are not slaves. Slavery is doomed—it must die!—the first act of violence in its cause, will hasten its fate!

THE FOURTH OF JULY.—Some of the southern people seem to wonder that this once glorious day has begun to be neglected by our people—in many places, "not celebrated at all." Why should it be otherwise; are we not, in the face of men, living a lie—shall we be so silly, as yearly to proclaim our own abandonment? We cannot lift up our hearts to God, in holy aspirations of gratitude and expectancy, because we have been partial in the appropriation of his mercies—we cannot come together and exchange joyous congratulations, because selfishness is solitary in its manifestations. The fourth of July, 1776, saw us proclaiming liberty to all mankind—the fourth of July, 1845, will look down upon the American people, as the great day of the emancipation of the Empire. Henceforth, all the rights of men be vindicated: let the life be made—the drum be muffled—the American Eagle wear mourning—let Christians pray that our holy religion be restored to its life-giving purity—our Statesmen re-baptize themselves in the exalted spirit of the patriotism of Washington, Adams and Jefferson—let the people mourn their apostasy—let the Fourth of July be a day of fasting and prayer, that the Nation be instructed of its great and self-deceiving sin.

We publish below the note of Mr. R. Spurr; we repeat that we were tainted with the remark that R. Spurr lost his nomination for the Legislature, (we had no reference to the fact of his being or not being upon "the convention,") because he took the *True American*. His letter proves that he deserves his fate. We return Mr. Spurr his one dollar and twenty-five cents—the cause of human rights asks nothing but the free gift of true hearts. Our readers will be in reading this singular note, remember the story of the wolf, the lamb, and the running stream—or the more marked history of a certain adjunct reformer of ancient times, who dip his hand into the samish with his Lord in prosperous times—but who in the day of trial, swore that he knew him not. Mr. Spurr is certainly in a "wrong position." We told him in our prospectus, that we were no beggars and therefore intended to speak the "truth" that those who had no sympathy with that, must go elsewhere. If Mr. Spurr had unobtrusively withdrawn his name, like some five other subscribers, he would have spared us the mortification of saying that he imputes to us doctrines, which he knows we do not advocate.

TO THE EDITOR OF THE TRUE AMERICAN:

Dear Sir—I noticed in the 31 No. of the *True American* that your informers have done me injustice in the following sentence, no doubt, unintentionally on their part: "We have been told often, with an air of triumph, that R. Spurr, Esq. lost his nomination for the Legislature, because he took the *True American*." In my response to a call upon me to become a candidate, I responded in the negative, and there was no more for the purpose of getting up a Convention for some weeks after my response appeared. Consequently, my name could not have been

aither was it before the Convention. I avail myself of this opportunity of transmitting to you \$1.25 for the *True American*, for six months.

From an editorial note of yours, recommending the piece signed "A Virginian" to the especial attention of your readers, I take it, that you endorse his sentiments, if so, I will cease reading your paper, as the most prominent feature in it on slavery, is unconditional emancipation. Between my feelings and sentiments on the subject of slavery, there is no affinity with that sort of emancipation whatever. Having been placed in a wrong position, through your paper, I will ask the favor of you to give this note a place in the *True American*. Yours, &c.

RICH'D. SPURR.

CHIFFS.

The following beautiful chess-problem is given in the last number of the "Spirit of the Times," as copied from an English paper. The English editor speaks of it as being thought by some amateurs, to be more difficult than the celebrated "Indian Problem," which appeared a few months since. Do not abandon it under the plea of "typographical error" in the position. We have the solution by a member of our city club.

PROBLEM No. 3.

White to move, and give mate in four moves.

White. Black.
K at Q 3. K at Q 3.
B at Q 4. Pawns at QR 5.
Kt at QB 8. Kt at QB 8.
Pawns at QR 3, & QB 4.

SOLUTION TO PROBLEM, No. 1.

White. Black.
1. R to Q 4 check. 1. Kt takes R.
2. Kt takes P. 2. P takes P.
3. R to Q 4 check. 3. P takes R.
4. Kt to KB 4 ch mate.

*If the King is played, white will mate with his Knight next move.

We give a second game between two members of the Lexington club.

White. Black.
1. KP 2. KP 2
2. KP 2. P takes P
3. KKt to B3. KKt to P
4. KKt to B3. KKt to P
5. KKt to K 5. KKt to P
6. KP 2. KKt to R 2
7. KP 2. P takes P
8. KP 2. P takes P
9. Kt takes Kt. KKt to R 3
10. Q to Q 3. KKt to R 3
11. K to KB 2. KKt to R 2
12. KKt to B 3. KKt to R 2
13. KB to QK3. KP 2
14. QRP 1. QKt to QR 3
15. KP 1. KKt home
16. KP 1. K to K
17. QB to KK1 5. K to KB
18. Q to K 3. K to Kt 2
19. QR to Q. QKt to K
20. K to KB 6. QKt to KB
21. KB takes KBP. Q takes B
22. B takes K. Q takes B
23. K takes K. Q takes B
24. K to B 6. Q to KB
25. Q to Kt 4 ch. K to K
26. Kt takes R. Q takes Kt
27. QRP takes P. QRP takes P
28. Q to Q 2. B to K 7
29. KP 2. B to K 7
30. Q to QB 5. K to KB 3
31. Q takes QKt P. R to K
32. KP 2. Q takes KP
33. R takes P. K to Kt
34. R takes KRP ch. K to Kt
35. Q to K 4. B to Kt 4
36. Q to KB 8. B to B 2
37. Q to KB 3. Q takes R
38. R to KB 5 ch. Q takes R
39. Q takes Q ch and Black resigned.

*Black's last man permits the advance of White's KP, by means of which white opens a passage for his forces into the adversary's camp. Opening a place of retreat for K, Black has no other move but to resign. If he had not he would have lost in a few moves by check from B.

MR. HEALY.—PORTRAIT OF JACKSON.—This artist, honored by the King of the French, with the commission of painting Andrew Jackson, Henry Clay and John Q. Adams, is now in this city, having with him the portrait of the Hero of New Orleans. This portrait is a bust, representing the distinguished soldier, in a plain green colored arm chair, in an easy, calm, overcoat, the folds of which, together with the serpentine line of shirt-tail and turned down collar, make rather a graceful figure for so old a man. The face of the General, taken just before his death, wears the appearance of debility and patient, calm resignation; the eye, however, seems clear and intellectual to the last; the hair is white and standing up as usual. We should judge the likeness, not having seen Jackson since his first Presidency, to be a good one, from the life like harmony of the whole; the back ground of the picture is of simple dark color, which is in unison with the simple grandeur of the man—"volante de fer"—who made Louis Philippe hand over the "ten millions." Louis Philippe we have long regarded as one of the wisest sovereigns of Europe—the world owes him much for the preservation of the power of nations, and among other evidences of his having a long head, we regard this delicate piece of flattery to Uncle Sam as not the least. When will John Bull, with his millions spent upon Journalism, profit by this hint? Mr. Healy is now painting the Statesman of Ashland; he proposes leaving on Thursday next, for Boston, his native city. Of this last portrait, and the artist, we may speak hereafter.

Every building containing things of great value, incapable of being restored when lost, ought to be fire proof.

FROM THE CINCINNATI GAZETTE.

ACADEMY OF FINE ARTS, PHILADELPHIA DESTROYED.

On the night of June 11, this noble institution was consumed.

The East Gallery and Director's Room were destroyed with their rare collection of casts from the antique and fine pieces of sculpture and choice pictures. The library, with its magnificent engravings and illustrations of the arts, was probably saved, though badly injured. In the Rotunda most of the valuable paintings were saved, though some perished.

The entire contents of the Antique Statue Gallery were destroyed, and the casts of art, which excited the admiration of the world, are now a mass of worthless ruins! Among these were an admirable copy of Titian's Venus, Canova's Three Graces, Helie's Venus, Bust of Juno Brutus, and the magnificent colossal bust of Napoleon, also attributed to Canova, which was intended for the gate of Rheims, but found its way to this country, when the Emperor of the French, the Emperor was interdicted in France; the exquisite antiquities of Meleager, Venus aux Belles Fesses, Laocoon and his sons, Germanicus, Venus de Medici, Apollo Belvedere, Minerva, Apollo Belvedere, Pope Pius, Fighting Gladiators, Silius with Bacchus, Castor and Pollux, the Bust of Jupiter by Phidias, Louche's colossal cast of Minerva, and various other groups of the sculptor's art. Hardly a fragment is preserved—amid blackened beams and smouldering rafters there lies a mass of almost unrecognizable ruins—a painful sight to the lover of the sublime art.

All the busts in the Rotunda were saved—and in the North Gallery, West's Death on a Pale Horse, Haydon's Christ's Entry into Jerusalem and Allston's Dead Man restored to Life.

The American, whose account we copy, says:

In the Rotunda, Gilbert Stuart's full length portrait of Washington, with some little injury, the canvass being torn and frayed, but the features are fortunately preserved. When this work was rescued from the flames of the preceding night, we never had time to examine it, but sent up as first the artist. It showed, indeed, that he was "sent in the hearts of his countrymen." Sully's exquisite portrait of James Ross, Esq., of Pittsburgh, was saved, slightly injured. The Miracle at Cana was also saved in similar condition.

In the Director's room, there was a sad—sad havoc, and we feel sick at heart at the bare task of recording it. Titian's Mistress, Portrait of Columbus, a Lucretia after Guido, Inman's portrait of a Lady, the property of Dr. Knox; a Flemish Flower Piece, the most exquisitely beautiful and elaborate work of the kind we ever saw; Stuart's original Portrait of Washington, St. Mark Writing, a St. Francis, by Guido—a gem too precious to be destroyed by the insatiable tongue of the flame—Peale's Portrait of Judge Shippen, Inman's Pencil Drawing, Waugh's William Penn, after Sir Godfrey Kneller; Shipwreck by Salvator Rosa, Lamberti's Portrait of Judge Dickinson and John Vanderlyn, and a portrait of John Quincy Adams, are all gone!

N. P. Willis is about revisiting Europe, and will correspond with the Mirror. He will probably leave in the next steamer from Boston, and will be accompanied by his child, whose maternal relations reside in England.

COMMERCIAL.

REVIEW OF THE MARKET.

The Review is slowly rising; and from the frequent showers, both here and above, confident expectations of a rise are entertained. The navigation will admit of the shipment of but little freight, and at 40 cents the hundred pounds. The market is shorter than the genuine, and in the top line there is a comma (,) before the word Directors.

100's counterfoil, letter A, payable to C. S. Morehead, G. C. Gwathney, Cashier, and John J. Jacob, President, Bank of Kentucky, dated April 1845. The counterfoil is shorter than the genuine, and in the top line there is a comma (,) before the word Directors.

100's letter B, various dates and payable to different persons signed G. C. Gwathney, Cashier, and W. H. Pope, President, signatures well executed. Some are stamped across the face "Massol & Co., March street, Louisville," there has been no easily detected by the size of the bill; it is only seven inches in length, while the genuine is a quarter of an inch longer.

20's note payable to R. S. Todd, letter A, dated June 16, 1845, John J. Jacob, President, G. C. Gwathney, Cashier, badly executed. The figure of the Indian on the left hand very imperfectly and coarsely executed, and the words "Bank of Kentucky" on the right hand, very badly done.

5's letter C, payable to John F. Campbell. The counterfoil 100's are on the Branches at Bowling Green, Frankfort and Hopkinsville. Northern Bank of Kentucky, President, 100's letter B, pay Thomas Kelly, Oct. 28, 1835, vignette of a train of Railroad cars, badly executed, paper flimsy and engraving too dark—M. T. Scott, Cashier, and W. H. Pope, President, signatures well executed.

5's letter B, pay Thomas Kelly, June 17, 1838, M. T. Scott, Cashier, John T. Telford, President—Filling up and signatures clumsy and by the same hand.

NORTHERN BANK OF KENTUCKY, at Lexington, 3's letter A, payable at various branches to W. Dunn and others; M. T. Scott, Cashier; signatures and filling up in the same hand writing; paper of a yellowish cast, well calculated to deceive, if not closely examined.

5's letter E, pay W. E. Holloway, Sept. 24, 1839; M. T. Scott, Cashier, T. W. Telford, President, Vignette, a Locomotive and a train of cars, pale, but calculated to deceive.

10's letter A, vignette, Railroad cars; 1 third of an inch shorter than the genuine. 10's altered from 1's.

20's spurious; vignette, a female dressing a wounded man; letter D, dated August 29, 1839; W. S. Searcy, Cashier, T. W. Telford, President, in place of J. Telford, payable to L. S. Searcy. No resemblance to the genuine. The signatures have been marked out in fine hair lines, and which are not visible to the eye.

20's letter D, pay A. Hawkins 1st January, 1838, and others November 4, 1839, M. T. Scott, Cashier, (no dots between the letters M. T. S. as in the genuine,) John Telford, President. The words "Bank of Kentucky" in the margin, near the right end of the upper part of the bill, in the counterfoil is one third of an inch from the margin—in the genuine it almost touches.

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